

**STATE OF SOUTH CAROLINA**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**DOCKET NO. 2019-3-E**

	)	
	)	
In re: Annual Review of Base Rates	)	
for Fuel Costs of Duke Energy	)	<b>PETITION TO INTERVENE</b>
Carolinas, LLC	)	
	)	
	)	
	)	

The South Carolina Coastal Conservation League (“CCL”) and Southern Alliance for Clean Energy (“SACE”) (collectively, the “Conservation Groups”) respectfully petition the Public Service Commission of South Carolina (“Commission”) to intervene in the above-captioned docket pursuant to R.103-825 of the Commission’s rules of practice and procedure. In support of this petition, the Conservation Groups state as follows:

1. The Commission opened this proceeding pursuant to S.C. Code Ann. Section 58-27-865, which establishes the procedure for annual hearings for the Commission and all interested parties to review the fuel purchasing practices and policies of Duke Energy Carolinas, LLC (“the Company”) and for the Commission and the Company to make adjustments as necessary.

2. S.C. Code Ann. Section 58-27-865 provides the procedure for review and recovery of fuel costs and of “incremental and avoided costs of distributed energy resource programs and net metering as authorized and approved under Chapters 39 and 40, Title 58[, which] shall be allocated and recovered from customers under a separate distributed energy component of the overall fuel factor that shall be allocated and

recovered based on the same method that is used by the utility to allocate and recover variable environmental costs.”

3. S.C. Code Section 58-39-140 of the South Carolina Distributed Energy Resource Act and Commission Order 2015-194 allow the Company to recover certain reasonable and prudent costs incurred to implement approved distributed energy resource (“DER”) programs, including certain costs related to net energy metering (“NEM”). Recoverable costs are capped in Section 58-39-150 “[f]or the protection of consumers and to ensure that the cost of DER programs do not exceed a reasonable threshold.”

4. Pursuant to the South Carolina Distributed Energy Resource Act and the Settlement Agreement approved by the Commission in Order No. 2015-194, Docket No. 2014-246-E, the Company will also compute and update annually the “costs and benefits of net metering and the required amount of the DER NEM Incentive” coincident in time with the Utility’s filing under the fuel clause.

5. This Petition to Intervene is timely filed, as the Commission has established an intervention deadline of June 14, 2019 for this proceeding.

6. The South Carolina Coastal Conservation League (“CCL”) is a nonprofit organization whose mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in their communities by working with individuals, businesses and government to ensure balanced solutions. CCL supports the development of energy policy that is in the public interest of South Carolinians. CCL has members from across the State, including members who receive electricity service from Duke Energy Carolinas, LLC and will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental

and avoided costs of distributed energy resource programs and net metering. The address of CCL's main office is 328 East Bay Street, Charleston, SC 29402.

7. Southern Alliance for Clean Energy ("SACE") is a nonprofit organization whose mission is to promote responsible energy choices that create global warming solutions and ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs. Like CCL, SACE has members from across the state, including members who receive electricity service from the Company and will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental and avoided costs of distributed energy resource programs and net metering. The principal address of SACE is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has offices in Florida, Georgia, North Carolina and South Carolina.

8. The Conservation Groups and their members have direct and substantial interests that will be impacted by the decisions made in this proceeding regarding renewable energy and the recovery of fuel costs and incremental and avoided costs of distributed energy resource programs and net metering, and their interests cannot be adequately addressed by any other party. The Conservation Groups seek to ensure a full and proper valuation of NEM generation and appropriate cost recovery consistent with the Settlement Agreement approved in Docket 2014-246-E that will accurately reflect and support an effective and diversified portfolio of distributed energy resources and lead to cleaner, safer, and healthier communities for all South Carolinians. The Conservation Groups also seek to ensure that the Company's fuel purchasing practices and policies

result in the lowest reasonable costs to customers, and that the Company's fuel costs are just and reasonable. The Conservation Groups' support for these policies and involvement in this proceeding will promote their members' interests as well as the broader public interest. Petitioning to intervene in this proceeding is also consistent with the Commission's policies encouraging maximum public participation in the issues before it.

9. Pursuant to R. 103-804(T) of the Commission's Rules of Practice and Procedure, the Conservation Groups are represented by counsel in this proceeding:

William C. Cleveland, IV  
 Southern Environmental Law Center  
 463 King St., Suite B  
 Charleston, SC 29403  
 Telephone: (843) 720-5270  
 Fax: (843) 720-5240  
 Email: wcleveland@selcva.org

WHEREFORE, the Conservation Groups pray that they be allowed to intervene as parties of record and to participate fully in this proceeding.

Respectfully submitted this 14th day of June, 2019.

s/ William C. Cleveland, IV  
 William C. Cleveland, IV  
 SC Bar No. 79051  
 Southern Environmental Law Center  
 463 King St., Suite B  
 Charleston, SC 29403  
 Telephone: (843) 720-5270  
 Fax: (843) 720-5240

*Attorney for South Carolina  
 Coastal Conservation League and  
 Southern Alliance for Clean Energy*

CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via electronic mail or first class U.S. Mail with a copy of the *Petition to Intervene* of the South Carolina Coastal Conservation League and Southern Alliance for Clean Energy.

Becky Dover, Counsel,  
Carri Grube – Lybarker, Counsel  
SC Department of Consumer Affairs  
bdover@scconsumer.gov  
clybarker@scconsumer.gov

Heather Shirley Smith  
Duke Energy Carolinas, LLC  
Heather.smith@duke-energy.com

Jeffrey M. Nelson  
Office of Regulatory Staff  
jnelson@ors.sc.gov

Rebecca J. Dulin  
Duke Energy Carolinas, LLC  
Rebecca.dulin@duke-energy.com

Richard L. Whitt  
Austin & Rogers, P.A.  
RLwhitt@austinrogerspa.com

Scott Elliott  
Elliott & Elliott, P.A.  
sellott@elliottlaw.us

This 14th day of June, 2019.

s/ William C. Cleveland, IV  
William C. Cleveland, IV